



2009 SEP 30 PM 4:41

DEP 3 REF

Docket No.: IRD-0004
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiroshi Morikawa

Application No.: 10/521,166

Confirmation No.: 5678

Filed: January 14, 2005

Art Unit: 2625

For: OUTPUT APPARATUS AND PROGRAM
THEREOF

Examiner: B. D. Reinier

REQUEST FOR REFUND

MAIL STOP 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants, through his attorneys, respectfully submit a Request for Refund in the total amount of \$1,620.00.

A Request for Oral Hearing and Reply Brief was filed on September 15, 2009.

Applicant authorized a charge of \$540.00 for a Request for Oral Hearing (Code 2403). However, Applicant was erroneously charged a fee of \$540.00 for filing an Appeal Brief (Code 1402). Therefore, Applicant, through its attorney, hereby requests a refund of \$540.00 for this charge to the Deposit Account 18-0013.

Also, Applicant authorized a charge of \$540.00 for a Request for Oral Hearing (Code 2403). However, Applicant was charged a large entity fee of \$1,080.00 for this filing. Therefore, please correct the deposit account entry and refund the difference of \$540.00 to the Deposit Account 18-0013.

Copies of the Deposit Account Statement showing the deduction from our account and the date-stamped postcard of September 15, 2009 are provided along with this Request.

Dated: September 29, 2009

Respectfully submitted,

By 

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorneys for Applicant

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09/16 17	10521166	1403	\$1,080.00
09/16 16	10521166	1402	\$540.00
			\$28,518



Inventor: Hiroshi Morikawa

Atty Docket No.: IRD-0004
(80401-0001)

Application No.: 10/521,166-Conf. #5678 Filing Date: January 14, 2005
Title: OUTPUT APPARATUS AND PROGRAM THEREOF

Documents Filed:

Fee Transmittal (1 page)

Request for Oral Hearing Before BPAI (1 page)

Charge \$540.00 to deposit account 18-0013

Reply Brief (16 pages)



Via: Courier

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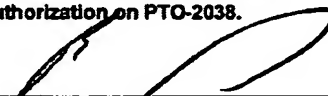
Date: September 15, 2009

BKD

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REQUEST FOR ORAL HEARING BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) IRD-0004
In re Application of Hiroshi Morikawa		
Application Number 10/521,166-Conf. #5678		Filed January 14, 2005
For OUTPUT APPARATUS AND PROGRAM THEREOF		
Art Unit 2625	Examiner B. D. Reinier	
<p>Applicant hereby requests an oral hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.</p> <p>The fee for this Request for Oral Hearing is (37 CFR 41.20(b)(3)) \$ <u>1,080.00</u></p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ <u>540.00</u></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>18-0013</u></p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(b) (PTO/SB/23) is enclosed. For extensions of time in reexamination proceedings, see 37 CFR 1.550.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>47,255</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.</p>		



Signature

Brian K. Dutton
Typed or printed name

September 15, 2009
Date

(202) 955-3750
Telephone number

Adjustment date: 10/07/2009 HDESTA1
09/16/2009 SZEWDIE1 00000012 180013 10521166
02 FC:1403 1080.00 CR

10/07/2009 HDESTA1 00000019 180013 10521166
01 FC:2403 540.00 DA

09/16/2009 SZEWDIE1 00000012 180013 10521166
02 FC:1403 1080.00 DA



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REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Reply Brief under 37 C.F.R. §41.41 in response to the Examiner's Answer mailed on July 21, 2009.

All arguments presented within the Appeal Brief of May 14, 2009 are incorporated herein by reference.

Additional arguments are provided hereinbelow.

Among others, the following positions were presented in the Examiner's Answer, each of which will be addressed in turn in this Reply Brief:

Adjustment date: 10/07/2009 HDESTA1
09/16/2009 SZEWDIE1 00000012 180013 10521166
01 FC:1402 540.00 CR

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01 FC:1402 540.00 DA